

REMARKS

Specification

The specification was objected to for failing to provide antecedent basis for the outer diameter of the male couplings equal to the outer diameter of the conduits and for the male couplings being permanently crimpable. Applicant has amended the paragraph beginning on page 8, line 8 to state that the outer diameter of the tubular coupling is substantially the same as the outer diameter of the conduit, rather than the tubular coupling. This was an inadvertent typographical error, and no new matter has been added to the application.

Claim Rejections – 35 U.S.C. § 103

Claims 12-15, 20-24, and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Woods, U.S. Pat. No. 6,467,752 in view of Gibson, U.S. Pat. No. 3,596,939. Claims 18, 19, 28, and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Woods in view of Gibson as applied to claims 12 and 20 and further in view of Gibson. The present invention is different from the cited prior art and would not be obvious as a combination of the cited prior art.

“In determining the difference between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the difference themselves would have been obvious, but whether the claimed invention as a whole would have been obvious.” MPEP § 2141.02 (citing *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 U.S.P.Q. 871 (Fed. Cir. 1983); *Schenck v. Nortron Corp.*, 713 F.2d 782, 218 U.S.P.Q 698 (Fed. Cir. 1983)). The present invention is for a valve body having a one-piece construction. That is, the couplings located on either side of the valve are made integrally with valve. This is not shown or discussed in the prior art, and the prior art does not suggest forming such a valve body. For instance, Woods does not show a unitary valve body. The housing 12 and the couplings (shown as fittings 18) are not a unitary design, but are connected by bolts or similar connecting devices. Gibson does show a T-shaped pipe, but does not suggest use with a valve, but a fitting that could potentially be used together in combination with a valve, such as the valve of the present invention. Further, Gibson, shows a specific fitting structure that must be specifically designed (See Figures 7 and 8). It would not be possible to change the male/female aspect of the fittings of Gibson to arrive at the present invention, as there is no suggestion or teaching for how this would be possible and still allow Gibson to be operable as it was intended. Thus, there is no suggestion or teaching in Woods or Gibson on how to incorporate a one-piece body together with

the claimed coupling to arrive at the present invention. Woods does not have a one-piece valve body, and Gibson does not have a valve-body at all, or discuss how to incorporate a valve body. Neither Woods nor Gibson has the coupling arrangements as claimed, and they do not make a suggestion of how to alter the prior to arrive at the present invention and the specifically claimed design.

Also, “[t]he teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant’s disclosure.” MPEP § 2143 (citing *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Neither Gibson nor Woods suggest a one-piece valve that can have universal application. The design of the couplings of the present invention provide a universal valve body that allows the valve body to be connected to any conduit or fitting without requiring specific tools designed for a specific valve. As stated above, Gibson requires a specifically machined fitting, which would limit use as a fitting for the presently claimed invention. The present invention does not claim a fitting as described in Gibson, but describes a valve that may be used universally with any of a number of fittings, pipes and conduits. Likewise, Woods describes a valve that is designed specifically for an internally fitted piping or tubing. There is no suggestion that either Woods or Gibson could be modified to reach the fittings of the present invention, other than to look at the teachings of the present application itself.

Applicant also has included a Declaration under 37 C.F.R. 1.132 from Guido Brussa, shareholder of the Assignee of the present invention. The declaration attests to the fact that the present invention is a unique, novel valve that was not used or known in the prior art before the filing of the present application. Applicant believes the Declaration further provides evidence of the patentability of the present invention.

Applicant has also added dependent claims 33 and 34 to more particularly distinguish the subject matter of the present invention from the prior art. Specifically, claims 33 and 34 have been added to state that the claimed couplings are “tubular”, which is not shown in the cited prior art. Allowance of claims 33 and 34 is respectfully requested.

Conclusion

The prior art does not suggest the presently claimed invention, and would not make the present claims obvious. Accordingly, Applicant respectfully requests the rejections under §103 be removed and claims 12-15, 18-24, and claims 27-29, and 33-34 be passed to allowance.

Respectfully Submitted,

By

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Enclosures: Amendment Transmittal
 Declaration of Guido Brusa
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